19: Kharuzin -- 38 E-4 (no date) 1898 Yakut
116, 594, 61

At the present time the so-called "great" families are but very rarely encountered among the Yakuts; sons usually separate (split off) after marriage and upon coming of age. Despite the fact that the type of the individual, i. e., "small" family, thus appears characteristic for the comtemporary familial-household structure of the Yakuts of the Yakutsk district, the clan structure must by no means be counted in the number of completely vanished phenomena. In addition to the known division of the Yakuts into ūlūsi and naslegi , a division which one of the best investigators of Yakut life, M. Sieroszewski, does not recognize as indigenous to the Yakuts, the native population of the Yakutsk district, as in other localities of the region, continues to retain the ancient division into clans--aga-usa (the paternal clan), resolving itself into 4-8 īya-ūsa. This latter term M. Pripuzov translates by the word "tribe"; M. Sieroszewski, who, as far as we know, was the first to turn his attention to the īya-ūsa , has observed that īya-ūsa (īye-ūsa) has the exact meaning of "maternal clan," has described the significance that the latter has in the contemporary clan division of the Yakuts, and has set forth a hypothesis concerning the origin of the "maternal clan" among the Yakuts. (1)

1. Sieroszewski, Jakuti [Yakuts] p. 506 ff.

19: Kharuzin --42 E-4 (no date) 1898 Yakut-1-2
116, 178, 562, 586 594, 837

The absence of any rights on the part of woman, among the Yakuts of the district studied by M. Pripuzov, is most marked... in the field of property relations. Her personal position is at the present time considerably better protected than in earlier times. In this respect one notes in the life of the Yakuts a definite, although naturally a very relative progress. In effect, even at present, the husband considers himself within his rights to beat up his wife if she neglects her household duties, if she is a spendthrift, or if she is unfaithful to him. The Yakut further has the right to put his wife out to hire as a workwoman, and to use the money earned by her. But he does not have the right to kill her; he cannot sell her, or lend her to someone else.

Instances of the cession of wives to other men, as is known, were encountered among the Yakuts up to the end of the 18th century, while the existence of the custom of lending one's wife to a guest is substantiated by traditions (Vsesoiuzone Geograficheskoe obshchestvo, Vostochno-Sibirskii Otdel, Izviestiia, XXVI, No. 4-5, pp. 218-19). As concerns instances of putting our wives to work, Prince Kostrov (Ocherk iuridicheskoe byta IAkutov [Juridical Customs of the Yakut]. p. 283) communicates the rather interesting fact that this practice has as its object to effect a separation from the wife: after a church wedding the Yakut rarely leaves his wife, but since such marriages are often consummated against the will of the parties involved, the husband sometimes abandons his wife, who customarily finds herself a lover, to whom she goes to live. In order to avoid prosecution by the authorities, writes Prince Kostrov, the husband and the lover

make an oral and sometimes even written agreement to the effect that the former is hiring his wife out to the latter in the capacity of a servant with her consent and for the upkeep of the household.

19: Kharuzin -- 49 E-4 (no date) 1898 Yakut
116, 178, 426, 562, 594

The following rules, conceding certain rights to women, must be considered the result of the new views: 1. The wife has the right to complain against her husband if the latter, by his improvidence, is ruining the household; 2. The wife is conceded the right to contract debts; the wife is not responsible for the debts contracted by her husband for his own personal needs, and conversely the husband is not responsible for the personal debts of his wife. An exception is made when the couple offer surety for each other. These rules stand in such contradiciton to the personal and property incapacity of women that there can be no doubt of their later origin.

But when the wife, in the absence of her husband, has contracted "debts to cover the needs of the household or other matters pertaining to the home," the court comes to the defense of the wife and the creditor; the husband is held responsible for obligations entered upon with the object of benefiting his own household group.

19: Kharuzin -- 49-50 E-4 (no date) 1898 Yakut-1-2
116, 594, 597, 847

The authority of the father over the persons of his young children is a natural consequence of the patriarchal structure of the Yakut family. The father has the right to abandon a newly born child or to give it to another person. Formerly [50] writes Mr. Pripuzov, the parents, if poor, used to suspend newly born children in their swaddling clothes from trees. Even at the present time, one encounters cases of the sale of children by parents for money: parents give up for money children of the female sex to the person who wishes to adopt a little girl. The price of the latter fluctuates, according to the age, from 20 to 25 rubles. At the present time, such a sale of a daughter is certified with a written document. (1)

1. Mr. Pripuzov quotes an interesting copy of such a document: "February 15, 1891. I, the undersigned, native of the Western-kangalk ulus of the Odunitsk nasleg, Innokenti Vasilev Makhatyrev, give this letter to the native of the same ulus of the Zhersky nasleg, Yegor Bobposov, thereby giving you for permanent adoption my own daughter Anastasya, twelve years old; this with the concurrence of my legal wife, Darya Vasilyeva. You obligate yourself to give her (the daughter) your own name, to rule her as your own daughter, to give her in marriage and, in case of death to bury her according to Christian rites. I received for her, according to our

agreement 20 rubles and I sign my name to indicate that I have no other demands to make, Innokenty Vasilev. Because of Innokenti Vasilev's illiteracy and because of a personal request, this document is signed by Ivan Mikhalev. I, bailiff Grigory Dichkovsky, attest the authenticity of this document." This document clearly demonstrates the rights of parents over daughter and their solicitude as regards her life in her new family. Laying it to the charge of the adopters to marry her off or to cover the expenses of burial in case of death is fully in accord with the ancient law of the Yakuts to dispose of their daughters as they please.

19: Kharuzin --54 E-4 (no date) 1898 Yakut
116, 421, 428, 594, 614

The patriarchal principle in the Yakut family finds its expression in the right of the eldest son to dispose absolutely as he pleases with the family property. Under the prevailing custom for the grown-up, married sons to separate, as a result of which the eldest son exercises supremacy only over young children and bachelors, it is perfectly natural for the eldest son to have the right to alienate a part of the family property or to augment it by purchases, without the consent of the remaining members of the family. But although he is an independent agent over the family property with respect to the members of his own family, the eldest son nevertheless finds himself under the control of the clan. The eldest son must find the means for the punctual payment of taxes and the fulfillment of obligations; therefore if he is found to be squandering the family property the clan administration has the right to remove him from his position of responsibility. Moreover, the eldest son, having the right to rent out or mortgage the portion of the family land which has fallen to his share, connot exchange it for another without the knowledge of the clan elders.

Into the make-up of the family property go the earnings of a son who has not separated; but the latter can have his own personal property; an inheritance from a grandfather or grandmother, or presents, constitute his own personal porperty, of which the father cannot always dispose without the consent of the son: the father, for example, cannot take it, or alienate it, without the consent of the son.

19: Kharuzin -- 55-56 E-4 (no date) 1898 Yakut -1-3
116, 421, 591, 594

Upon coming of age, the Yakut, if married, seeks to separate from the paternal household and establish his own. The allotment made to the son depends on the will of the father, who has the right to make an allotment to a son even during the lifetime of the grandfather, if the father is simultaneously the manager of the household. Although the size of the son's share is fixed by the father, from the Yakut point of view the father cannot deprive his son of a share in the family property except in cases of insulting conduct on the part of the son toward the father or where the son arbitrarily leaves the family. In the latter instance, the eldest member of the family, whether the father or someone else, can let the wayward son depart without a share in the family property, permitting him to take only his personal property and the dowry of his wife.

In cases of insulting conduct on the part of the son toward the father, the son is deprived of any right to the family property, as a useless or even harmful member of the family community; in cases of arbitrary departure, his right to the property suffers only temporarily, for upon the death of the father he has the right to secure his own share.

Once having made an allotment to a son, the father no longer has the right to take back the alloted property. Inasmuch as the allotments are customarily made in the degree that the sons come of age and get married, it is quite natural that the division of the family property during the life of the father does not take place at one time. The member of the family who receives his share now sets up his own yurt and farmstead. Inasmuch

as the summer pastures and farm lands are not divided according to the number of souls, the Yakut can set up his yurt anywhere on the land. The cheapness of construction of Yakut dwelling and household structures has the consequence that these do not enter into the division, inasmuch as the construction of a new winter and summer yurt requires neither great labor nor expense. The separated son sets up his own household completely independent; he severs all property ties with his father and remaining brothers, and upon the death of his father he receives no share in the division of the family property.

Having made allotments to all his sons, the father has left for himself [56] a certain share of the general property, which he can divide before his death among the future lagatees, or he can - and in this we note the influence of the new conditions of life of the Yakuts - in theory deprive the direct heirs of their inheritance and transfer his own share to other persons or will his property for the saying of prayers for his soul or for works of charity. The limitations upon the rights of the testator will be indicated below.

Frequent allotments, constituting a routine phenomenon in the Yakut family, give property relations between parents and children a definite imprint: the authority of the father over the person of the son ends with his receipt of an allotment, and each Yakut seeks for an allotment as soon as he is married or has come of age. Thus, although in theory the legal views of the Yakuts assign considerable authority to the father, in practice the latter principally functions only in relation to his under-age or bachelor sons, which to a considerable extent undermines the patriarchal character of the Yakut family.

19: Kharuzin -- 55-56 E-4 (no date) 1898 Yakut-3
116, 421, 591, 594

The conditions of a semi-nomadic life undoubtedly ease the problems of family property division, and among the Yakuts one notes a phenomenon that is not without interest: the dominance of the so-called "small family" in a situation in which traces of clan existence are still very much alive.

19: Kharuzin -- 56-57 E-4 (no date) 1898 Yakut
116, 428, 594

At the time of the inheritance or division of property after the death of the father, regulating principle for the determination of the shares is blood kinship. All the sons, who have not yet received allotments, have equal rights to the family property. The nephew, the orphan living in the family, if his father had not received an allotment, has a right to a share of the paternal property, i. e., obtains as much as his uncles or first cousins. Women, as indicated above, are excluded from inheritance. After the death of the father the family usually dissolves, and the division takes place, which, according to Mr. Pripuzov, is not accompanied by any rites or symbolic actions: ordinarily for the carrying out of the division the closest relations are summoned, who divide the property among the heirs. There is no preliminary assessment of the value of the property. The kinsmen strive to make even the shares of the heirs, but "the paternal yurt and the [57] domestic household remain with the youngest son, if he has not received an allotment, otherwise it goes to him to whom the father has expressed the wish that it should be given."

19: Kharuzin -- 57-58 E-4 (no date) 1898 Yakut-1-2
116, 177, 428, 594, 614, 763

Obviously under the influence of the Russians, the practice of drawing up written testaments had developed among the Yakuts. But the rights of the testator to dispose of his property are circumscribed by the interests of his clan, which in certain instances may not recognize the testament as valid. At the present time the Yakuts make both written and oral testaments, which deal with the division of property among the heirs. In general, it seems, the Yakuts formerly loved and still love to make dispositions before their death. When a Yakut feels the approach of death, writes Mr. Shchukin, for example, he summons the heirs and enjoins them to continue their acquaintance with such and such a one, to beware of another, to take revenge on still another; in detail he exposes the reasons, and the heirs will not utter nor forget [58] a single word, and when their turn comes to die, they will pass the testament on to their heirs. On the basis of these oral dispositions made at the time of death, it was easy to take to the custom, borrowed from the Russians, of written testaments. The contemporary Yakut regards the written and oral testament with the same respect. The signature of a priest is considered quite sufficient for the first, whereas the presence of heirs and relatives is required for the second type of testament. The Yakuts do not have executors.

The rights of the testator to dispose of the property are extremely circumscribed: the testament itself is in the last analysis chiefly a precaution against quarrels over the division of the property.

19: Kharuzin -- 57-58 E-4 (no date) 1898 Yakut-2
116, 177, 428, 594, 614, 763

It is precisely this consideration that is held by Prince Kostrov Ocherk ĭuridicheskoe byta ÎAkutov (Juridical Customs of the Yakuts, p. 286), to be one of the chief reasons for the development among the Yakuts of the custom of making an oral testament. "Each Yakut knows well that if he should die without a detailed distribution of his property among the members of the family, it would give rise to endless and destructive quarrels among them, and therefore oral testaments among the Yakuts are very customary. Feeling the approach of death or simply finding himself very ill, before all the members of the family the Yakut makes a detailed assignment, what share and precisely what is to be given to the wife, to the sons, daughters, foster-children. When he speaks of the cattle he even cites their color."

19: Kharuzin -- 58-59 E-4 (no date) 1898 Yakut-1-2
116, 428, 594, 614, 775

The conviction that the soul of the deceased will remain 40 days in the dwelling, induces the heirs to carry out precisely the provisions of the testament, the more so since they proceed to the division of the property very soon after the death of the father, which to a certain extent works for the betterment of the widow's position. Thus the husband, if his children are under age, can at the time of death designate his wife as the "elder" of the family, can assign to her a part of his property, can express the wish that the wife's dowry should be returned to her. The dying man does not have the right to designate any persons as heirs except those who are heirs by virtue of their blood relationship with the testator. He cannot deprive his sons of their portions of the inheritance in favor of one [59] of them, even though he would dispose but of the acquired property, and not the patrimony; even in cases where the testator has no children, he cannot bequeath either the acquired or patrimonial property to his wife. In all these instances the testament is held invalid: the sons deprived of theirinheritance in favor of one of their brothers, the kinsmen, to whose injury the testator left his property tohis widow, will claim their rights, and the Clan Administration, or the Natives' Court, handling inheritance questions, will retrieve the property from the son or widow, in order to divide it up among the heirs. In a word, the written testament is held invalid, if the lawful heirs are deprived of their inheritance; it is put into effect only if the heirs and relations are satisfied with the will of the testator. Permitting in theory the right to dispose of his property on the part of the

19: Kharuzin -- 58-59 E-4 (no date) 1898 Yakut-2
116, 428, 594, 614, 775

testator, in practice the clan limits it extremely in the interests of the clan group, guarding the rights of the lawful heirs, whose economic welfare cannot be alien to the whole clan unit. In this right to deny the validity of the testament if, in the opinion of the clan, it does not satisfy in equal degree the lawful heirs, one can see a vivid example of the living force of clan existence, which despite changing conditions, permeates the structure of the life of the Yakuts.

53: Tokarev and Gurvich E-4 (no date) 1964
RV2 Yakut RV2

over land), thereby sustaining the fiction of community of clan interests. A poor kinsman used to call a toyon who had robbed him of his possessions aga (father), and was expected to look upon him as his "benefactor."

Family Customs

The primary unit in the social structure of the Yakuts had long been the family (kergen or yal), which consisted of husband, wife and children, sometimes with the inclusion of other relatives living in the same house. The married sons were usually regarded as a separate household. The family was monogamous, but not too long ago (at the beginning of the 19th century) polygamy also existed among the wealthier section of the population, although the number of wives did not usually exceed two or three. In such cases the wives lived apart, each one running a separate household; the Yakuts explained this custom as a convenient way of looking after the livestock, which were distributed among several wives.

Marriage was preceded, sometimes for a long interval, by matchmaking. There were also traces of exogamy (known from the 17th-century documents); until quite late, males tried to pick their wives from a different clan, while the richer people, not satisfied with this, sought their brides as far as possible in other naslegs or even other ulusy. Having selected the bride, the groom or his parents sent their relatives as matchmakers. The latter, using special ceremonies and conventional language, sought to obtain the consent of the future bride's parents to the marriage, and on the extent of the bride-price (khalyym, or suluu). The consent of the girl herself was not asked at all in the old days. The bride-price consisted of livestock, but the extent of it varied considerably, from one or two to many dozen head; the bride-price always included the meat of a slaughtered beast. At the end of the 19th century there was a strong trend towards taking the bride payment in actual money. Some of the payment (kurum) was spent on the wedding feast (in the 17th-century documents, the word kurum sometimes meant the bride payment as a whole). The payment was considered compulsory, and a girl who married without it considered herself dishonored. The suitor was assisted by relatives, sometimes even by distant kinsmen, in arranging the payment, thus showing the ancient view of a wedding as an all-clan affair. The relatives of the bride also took part in distributing the payment obtained. On his side, the suitor received a dowry (enn'e), partly in livestock and meat, but more often in clothing and utensils; the value of the dowry averaged half the value of the bride-price.

The clan also played an important part in the actual wedding ceremony, which was attended by a large number of guests, relatives of the bride and groom, neighbors and so on. The festivities lasted several days and consisted of extensive feasting, different rituals and amusements, games, dancing, and so on. Not only did the bride and groom refrain from occupying the central place in all this festivity, they hardly took part at all.

In similar fashion to the wedding ceremony, the kinship terminology has also retained traces of the earlier forms of marriage. The name for the son—uol—actually means boy or youth; the word for daughter—kyys—means girl or little girl; father is *aga* (literally, "older"); wife is oyokh, but in some places the wife is simply called d'akhtar (woman), emeekhsin ("old woman") and so on; the husband is er, the older brother is ubay (bii), the younger brother is ini; the elder sister is ed'iy (agas) and the younger sister is balys. The last four terms are also used to denote uncles and aunts, nephews and nieces, and other relatives. Generally speaking,